



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,809	07/03/2003	Rick C. Stevens	5744EA-00252	6824

44341 7590 05/16/2006

JACOBSON & JOHNSON
ONE WEST WATER STREET, SUITE 285
ST. PAUL, MN 55107

EXAMINER

STAHL, MICHAEL J

ART UNIT	PAPER NUMBER
----------	--------------

2874

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/613,809	Applicant(s) STEVENS, RICK C.	
	Examiner Mike Stahl	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,10-12,14-18 and 20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 1,4-6,10-12,14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claim 1 is objected to because in line 9, “moveable” should be changed back to “moveably”.

Claim 10 is objected to because in line 10, “postionable” should be changed back to “positionable”.

Claim 14 is objected to because in line 2, “mounted” should be changed to “mounting”.

The errors in claims 1 and 10 identified above appear to be inadvertent transcription errors. It is further noted that claims 10 and 16 contain changes from their previous versions which are not clearly marked. For example, claim 10 lines 7-8 changed “first optical element, the mirror and at least a portion of the second optical element” to “optical elements and the mirror and at least a portion of the optical conductor” without underlining, strikethrough or bracketing. Claim 16 omitted the limitation of “a shroud encapsulates the optical elements and the mirror located in the optical coupling;” without strikethrough or bracketing. Claims 10 and 16 are not being objected to for this lack of markings, but for purposes of this action they are treated as they appear in the March 3, 2006 amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 16-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Chen et al. (US 6580858, previously cited).

Claim 16: Chen discloses an optical coupling (figs. 5-7) comprising: a base **101**; a first optical element **132** for receiving or transmitting an optical signal, the first optical element located in a fixed condition on the base; a second optical element **116** having an optical port for receiving or transmitting an optical signal; a repositionable mirror **131**, the mirror having a reflecting surface larger than said optical port, the mirror positioned to directly intercept an optical signal emanating from the first optical element **132**; and a mirror positioning system **139** located on the base to thereby allow an operator to reposition the mirror until the optical signal directly intercepted by that mirror from the first optical element is in optical communication with the second optical element, with the mirror positioning system controllable from a position removed from the base.

Claim 17: The optical signal is reflected about 90 degrees.

Claim 18: Each of the optical elements (**132** and **116**) are fixedly mounted in the optical coupling.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al.

Claim 20: Chen does not refer to shipping. It would have been obvious to a skilled person to have constructed and packaged for shipment the basic module of fig. 5, and to have shipped the module without first aligning the optical elements, since this would have saved a processing step at the factory (e.g. the alignment procedure could be outsourced or finalized by an end user of the module), and since it would have avoided any problems with de-alignment of the elements due to forces experienced during shipping.

Allowable Subject Matter

Claims 1, 4-6, 10-12, and 14-15 would be allowable if claims 1, 10, and 14 are rewritten to overcome the above informality objections. Independent claims 1 and 10 were amended to incorporate allowable subject matter identified in the last Office action (mailed December 14, 2005). Claims 4-6, 11-12, and 14-15 depend from claims 1 or 10.

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

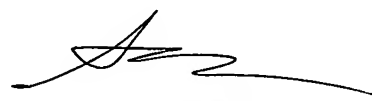
Art Unit: 2874

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries about this letter should be directed to Mike Stahl at 571-272-2360. Inquiries of a general or clerical nature (e.g., a request for a missing form or paper, etc.) should be directed to the technical support staff supervisor at 571-272-1626. Official correspondence which is eligible for submission by facsimile and which pertains to this application may be faxed to 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions about the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Stahl *MJS*
Patent Examiner
Art Unit 2874

May 11, 2006


SUNG PAK
PRIMARY EXAMINER